

## COUNCIL MEETING

JANUARY 24, 2018

The Council Meeting of the Council of the County of Kaua'i was called to order by Council Chair Mel Rapozo at the Council Chambers, 4396 Rice Street, Suite 201, Līhu'e, Kaua'i, on Wednesday, January 24, 2018 at 8:31 a.m., after which the following Members answered the call of the roll:

Honorable Arthur Brun (*present at 8:42 a.m.*)  
Honorable Mason K. Chock  
Honorable Ross Kagawa  
Honorable Arryl Kaneshiro  
Honorable Derek S.K. Kawakami  
Honorable JoAnn A. Yukimura (*present at 8:34 a.m.*)  
Honorable Mel Rapozo

### APPROVAL OF AGENDA.

Councilmember Kawakami moved for approval of the agenda as circulated, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the agenda as circulated was then put, and carried by a vote of 5:0:2 (*Councilmember Brun and Councilmember Yukimura were excused*).

Council Chair Rapozo: Next item, please.

### MINUTES of the following meetings of the Council:

December 6, 2017 Council Meeting  
December 6, 2017 Public Hearing re: Bill No. 2673 and Bill No. 2674  
January 10, 2018 Public Hearing re: Bill No. 2677

Councilmember Kaneshiro moved to approve the Minutes as circulated, seconded by Councilmember Kagawa.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve the Minutes as circulated was then put, and carried by a vote of 5:0:2 (*Councilmember Brun and Councilmember Yukimura were excused*).

Council Chair Rapozo:                      Next item, please.

CONSENT CALENDAR:

C 2018-17    Communication (12/06/2017) from the Mayor, transmitting for Council consideration and confirmation, Mayoral appointee Dean A. Toyofuku to the Board of Ethics – Term ending 12/31/2020.

C 2018-18    Communication (01/04/2018) from Councilmember Kaneshiro, providing written disclosure of a possible conflict of interest and recusal regarding C 2018-16, a License Agreement between the County of Kaua'i and Grove Farm Company, Inc., for the 800 MHz radio site located at Tax Map Key (TMK) No. (4) 3-8-002-005, Kalepa Ridge, Kaua'i, Hawai'i, for emergency communications for the County of Kaua'i, as he is employed by Grove Farm Company, Inc.

C 2018-19    Communication (01/05/2018) from Council Vice Chair Kagawa, transmitting for Council consideration, a Resolution Proposing A Charter Amendment Relating To Term Limits For Councilmembers.

C 2018-20    Communication (01/12/2018) from the Mayor, transmitting for Council consideration, a Resolution Inviting The City Of Davao, Republic Of The Philippines, To Enter Into A Sister-City Relationship With The County Of Kaua'i, State Of Hawai'i, United States of America.

JADE K. FOUNTAIN-TANIGAWA, County Clerk:                      Chair, we have a registered speaker for C 2018-19.

Council Chair Rapozo:                      Okay. Let us receive the other items and take C 2018-19 off of the Consent Calendar.

Councilmember Kagawa moved to receive C 2018-17, C 2018-18, and C 2018-20 for the record, seconded by Councilmember Kaneshiro, and carried by a vote of 5:0:2 (*Councilmember Brun and Councilmember Yukimura were excused*).

There being no objections, C 2018-19 was taken off of the Consent Calendar.

Council Chair Rapozo:                      Who is the speaker?

Ms. Fountain-Tanigawa:                      Ken Taylor.

Council Chair Rapozo: Ken, did you want to speak on the Resolution?  
I will suspend the rules.

There being no objections, the rules were suspended to take public testimony.

*(Councilmember Brun was noted as present.)*

KEN TAYLOR: Good morning, Chair and Members of the Council. Ken Taylor. I am totally opposed to putting this back on the ballot. You were all elected under the current conditions and none of you are so important that the County cannot do without you. They did without you before you served on the Council. I think it is self-serving for you to put this on the ballot at this time. If you are so inclined, you should have first asked the Charter Review Commission to consider doing it. Not too long ago, we put the term limits in place and it is just now starting to kick in and I think we should give it some time to see. If any of you feel so inclined to run again after your eight (8) years, you can come back after a two-year hiatus and run for another eight (8) years. The whole purpose of having term limits is to open up seats for new people and new ideas from the community and they can step up and have an opportunity. They may even be smarter and more inclined to do the right thing for the community than any of you. I would recommend a "no" vote on this at this time. Thank you.

Council Chair Rapozo: Thank you. Anyone else? Seeing none, I will call the meeting back to order. If you can just insert those comments into the item. Next item, please.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2018-19 for the record was then put, and carried by a vote of 6:0:1 *(Councilmember Yukimura was excused)*.

Ms. Fountain-Tanigawa: We are on page 2, Communications.

### COMMUNICATIONS:

C 2018-21 Communication (01/03/2018) from the Director of Economic Development, requesting Council approval, to apply for, receive, and expend funds, in the amount of \$70,000.00, and indemnify the Hawai'i Tourism Authority, to provide technical assistance for the revised Community Enrichment Program (CEP), the Aloha 'Āina Program, and the Kukulu Ola Program, to include, but not be limited to, technical and non-substantive guidance for Kaua'i's applicants wanting to respond to a Request for Proposals (RFP); assist in the promotion of the programs; identify and recruit new applicants; provide a work plan for evaluation of the programs including timelines; provide final evaluations for each event or project and provide monthly evaluation reports; and complete final reports: Councilmember Kagawa moved to approve C 2018-21, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2018-21 was then put, and carried by a vote of 6:0:1 (*Councilmember Yukimura was excused*).

Council Chair Rapozo:                      Next item, please.

C 2018-22    Communication (01/04/2018) from the Chief of Police, requesting Council approval, to accept non-recurring, no-match grant funds from the Hawai'i State Attorney General's Office, Hawai'i Criminal Justice Data Center (HCJDC), in the amount of \$36,670.00, to compensate the County for the following expenses:

- Scanning and digitizing backlogged firearms documents in the Record Management System (RMS);
- Implementing customized data elements into the RMS to capture required state and county firearms information and convert firearms records from the legal RMS into the current RMS including developing a Statewide Firearms Registration form and delivering that information electronically; and
- Procuring a server to enable the implementation of a two-way interface between the Kaua'i Police Department's RMS and the Hawai'i Integrated Justice Information Sharing (HIJIS) Program to facilitate the sharing of Kaua'i County's firearms information with the entire state.

Councilmember Kagawa moved to approve C 2018-22, seconded by Councilmember Brun.

Council Chair Rapozo:                      Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to approve C 2018-22 was then put, and carried by a vote of 6:0:1 (*Councilmember Yukimura was excused*).

C 2018-23    Communication (01/04/2018) from the Director of Finance, requesting Council approval of the indemnification provisions contained within Equipment Lease Agreement No. 2951 and the County of Kaua'i Equipment Lease Rider documents made between the County of Kaua'i and Bank of Hawai'i, to rent various equipment: Councilmember Kagawa moved to approve C 2018-23, seconded by Councilmember Brun.

Council Chair Rapozo: Mauna Kea, can I ask you for an explanation on this? I will suspend the rules. Obviously, that is a large legal document and I am confused as to, "These documents are required or needed to rent various equipment." Can you just help me, in layman's terms; what are we trying to do? I do not remember approving any kind of blanket lease agreement like this.

There being no objections, the rules were suspended.

MAUNA KEA TRASK, County Attorney: For the record, Mauna Kea Trask, County Attorney. For the equipment leases, I cannot speak to the need of the equipment or what it is going to be used for or anything like that; that is the Department's side of it. The reason why it is before this Council is because there is contained a template indemnification provision. As the Council knows, part of the purse strings in dealing with liability, indemnity, and everything like that. In order to enter into this contract, our opinion was that, "You have to get approval from the Council for that indemnification provision. If the Council does not approve it, then we cannot enter into it."

*(Councilmember Kagawa was noted as not present.)*

Council Chair Rapozo: The indemnification is the not concern. I guess my concern is, does this take away our ability or authority to review leases of various equipment going forward? This seems like a blanket lease saying, "Okay, now we are giving the Administration the authorization to get leases from Bank of Hawai'i." I do not understand what the various equipment is.

Mr. Trask: That would have to be a question for the Department.

Council Chair Rapozo: I see that they are not here.

Mr. Trask: It would go through budgetary process and they were supposed to line this all out, but...

Council Chair Rapozo: I am not even going to ask for them to be here...I get tired of asking for them to be here at 8:30 a.m. They have items on here that they want approved. I am just going to ask that we refer this to the Budget & Finance Committee. I am not going to waste more time. If they want something passed, they should be here. I am tired of saying that week after week, after week.

There being no objections, the meeting was called back to order, and proceeded as follows:

Councilmember Kaneshiro moved to refer C 2018-23 to the January 31, 2018 Budget & Finance Committee Meeting, seconded by Councilmember Brun.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion to refer C 2018-23 to the January 31, 2018 Budget & Finance Committee Meeting was then put, and carried by a vote of 6\*:0:1 (*\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative vote for the motion; Councilmember Yukimura was excused*).

Council Chair Rapozo: Next item, please.

Ms. Fountain-Tanigawa: Chair, we are on page 3.

C 2018-24 Communication (01/10/2018) from Michael A. Dahilig, Clerk of the Planning Commission, transmitting the Planning Commission's recommendation to amend Chapter 8, Kaua'i County Code 1987, as amended, to allow for construction of Additional Rental Units within the Residential Zoning District: Councilmember Kaneshiro moved to receive C 2018-24 for the record, seconded by Councilmember Brun.

Council Chair Rapozo: Any discussion or public testimony?  
Mr. Hart. The rules are suspended.

There being no objections, the rules were suspended to take public testimony.

BRUCE HART: For the record, Bruce Hart. As I understand it, this is going to allow units up to eight hundred (800) square feet to be built in areas where it is not currently zoned. They are going to change the zoning. Essentially, they are going to build this eight hundred (800) square foot unit in people's backyards. I am also given to understand that fifty percent (50%) of the open space of the lot has to remain. I wonder if you folks have thought this through—first, as I read it, there is going to be one (1) parking space required that is off-street and one (1) is not enough. An eight hundred (800) square foot house can contain three (3) bedrooms. It is just unrealistic to suppose that some persons are not going to rent out all three (3) bedrooms and you are going to have more cars. Where are those cars going to park? Then you are going to have visitors and where are they going to park? In all of the discussions that I listened to on this with the webcast, nobody talked about the increase in noise and we have a parking problem when we have a noise problem. This Council has yet, in all of the time that I have been visiting and speaking, to address our noise issue and we just recently got through addressing the parking issue. We had to change the law, so it is the lane of travel. We all know we have a parking issue and this Bill, as it is written and as it is proposed, is going to add to the parking and noise problems. There is also another aspect of it that I am very concerned about—I am really disappointed not to see people here, because it makes me think that maybe they just do not care, and it is not going to impact me wherever I live, but it is going to impact other people. What I am saying is that suppose that you bought into a neighborhood five (5) years ago or ten (10) years ago, when you bought into this neighborhood, you would expect the neighborhood to remain as you

bought into. You think, "Okay, so my view from my kitchen window is going to be my view as long as I live here and now my view is this eight hundred (800) square foot unit." This proposal will impact people's lives and it will change the character of the neighborhoods, which I think in a detrimental way. Do I have another three (3) minutes?

Council Chair Rapozo: Is there anyone else wishing to testify?  
Seeing none, go ahead.

*(Councilmember Yukimura was noted as present.)*

Mr. Hart: I have a couple of proposals. The parking problem is really a problem, as it has been pointed out in Bill No. 2673, which you just passed. It is only going to get worse, especially if we implement this kind of proposal when we have a parking problem. I have a friend who has a brother that lived in Jamaica and they had a similar problem. What the Council did was pass law that basically said that you can own all of the vehicles that you desire, but when you go to register each one of them, you have to prove legal off-street parking. The other is the noise ordinance. How about, "Any person or persons who causes a noise, so as to create a nuisance, is in violation"? Just keep it simple. It is just that I have a concern that we need if we are going to increase density, which I am not really for increasing density—I think there are other options that we can pursue to address the housing problem, which I admit that we have a really serious housing problem. But I do not think increasing density and changing the character of neighborhoods that are already established and people purchased into expecting that it would remain basically the same as they purchased into. I do not think that is the way to go. I do not think it is innovative, creative, or new. That is my perspective. Again as I said, I would like to say to the Kaua'i community that I do not know where the people are out there that this is going to impact...maybe they just do not know this is happening, but it is a real disappointment to come in here and none of these people are here. I have to say that maybe they do not care. I thank the Council. Thank you, Chair.

Council Chair Rapozo: Anyone wishing to testify? Seeing none, I will call the meeting back to order. Just for the public's information, today is just the first reading of the Bill. The public hearing will be set for February 21<sup>st</sup>. This is just the first step in a pretty long process.

There being no further testimony, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2018-24 for the record was then put, and unanimously carried.

C 2018-25 Communication (01/12/2018) from Councilmember Brun, transmitting for Council consideration, a Bill For An Ordinance To Amend Chapter 8, Section 8-2.1(A) And Section 8-4.2(A), And Chapter 10, Section 10-5a.7(A), Kaua'i County Code 1987, As Amended, Relating To The Comprehensive Zoning Ordinance And Līhu'e Town Core Urban Design District, to allow additional density of housing units within the Special Planning Area "D" ("SPA-D"), also known as the "Rice Street

Neighborhood Design District”, included in the Līhu‘e Town Core Urban Design District, by increasing the upper limit of the Residential Zoning designation for the Rice Street Neighborhood Design District from R-20 to R-40: Councilmember Kaneshiro moved to receive C 2018-25 for the record, seconded by Councilmember Brun.

*(Councilmember Kawakami was noted as recused from C 2018-25.)*

Council Chair Rapozo: Any discussion or public testimony?  
Councilmember Yukimura.

Councilmember Yukimura: Can we ask questions now?

Council Chair Rapozo: If they are here.

Councilmember Yukimura: I hope they are here.

Councilmember Kaneshiro: We are only on the communication also.

Council Chair Rapozo: Yes. If we call them up now, then when we get to the Bill, we will just pass the Bill through, but if you want to have the discussion, we can do it now.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: I will suspend the rules.

There being no objections, the rules were suspended.

KA‘ĀINA HULL, Deputy Planning Director: Good morning, Chair and Members of the Council. Ka‘āina Hull, on behalf of the Planning Department.

Councilmember Yukimura: Ka‘āina, do you have a map of the Līhu‘e area that would be affected?

Mr. Hull: We can get that for you. I do not have that specifically on me right now, but we can transmit that over to you folks.

Councilmember Yukimura: Can you get it before we get to the ordinance so that at least people will know before the public hearing?

Mr. Hull: I can make a call over to the office for somebody to run it over.

Councilmember Yukimura: Okay.

Council Chair Rapozo: Let us save the discussion for them. I do not want to have a long discussion here and have it again at the Bill. We will just have



everything ready for the Bill. If you have any other request for them before the Bill, why do you not state that now so we can just do it all at one time?

Councilmember Yukimura: I want to know what is the rationale for doing this and whether you have photos of R-40 that can show what it looks like. I know during the General Plan Update and even the South Kaua'i and Līhu'e Plans that you have shown different options to help people understand. I am gathering that it is not a high-rise, R-40; it is forty (40) units per acre, right?

Mr. Hull: Yes.

Councilmember Yukimura: What would that look like? I do not know if you have that now.

Mr. Hull: I am not going to be able to get that in the near future. I can state for the record that the complex on Rice Street right now...forgive me, I cannot think of the name.

Council Chair Rapozo: Līhu'e Townhouse?

Councilmember Brun: Līhu'e Courts...

Mr. Hull: Līhu'e Court Townhomes. It was a built at a density of roughly R-70. So there already is an existing one that has about seventy (70) units per acre.

Councilmember Yukimura: R-7?

Mr. Hull: R-70.

Councilmember Yukimura: Okay. That is helpful. Basically, the area that you are talking about and the rationale for doing it, so how it would make Rice Street look like. Thank you.

Mr. Hull: Thanks.

Council Chair Rapozo: Thank you very much. I will call the meeting back to order. Further discussion?

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion to receive C 2018-25 for the record was then put, and carried by a vote of 6\*:0:0:1 (*\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative vote for the motion; Councilmember Kawakami was recused*).

Council Chair Rapozo: Next item, please.

Ms. Fountain-Tanigawa: Chair, the next item is C 2018-26. We have an accompanying Executive Session, ES-938.

Council Chair Rapozo: Okay. I just want to make sure that there is no one in the audience wishing to testify on C 2018-26, which is related to the Executive Session item on the case relating to Michael Kocher. We will move that to the end of the agenda. Next item.

Ms. Fountain-Tanigawa: The next item are your Committee Reports.

There being no objections, the Committee Reports were taken out of order.

#### COMMITTEE REPORTS:

#### PUBLIC WORKS / PARKS & RECREATION COMMITTEE:

A report (No. CR-PWPR 2018-01) submitted by the Public Works / Parks & Recreation Committee, recommending that the following be Received for the Record:

“PWPR 2018-02 – Communication (01/10/2018) from Council Chair Rapozo, requesting the presence of the Director of Parks & Recreation, to provide an update regarding the Department of Parks & Recreation’s Fiscal Year 2018 priorities and the repair and maintenance program,”

Councilmember Kaneshiro moved for approval of the report, seconded by Councilmember Brun.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 6\*:0:1 (*\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua‘i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative vote for the motion; Councilmember Kawakami was excused*).

Council Chair Rapozo: Motion carried. Next item, please.

#### BUDGET & FINANCE COMMITTEE:

A report (No. CR-BF 2018-02) submitted by the Budget & Finance Committee, recommending that the following be Received for the Record:

“BF 2018-01 – Communication (12/28/2017) from Council Vice Chair Kagawa, requesting the presence of the Director of Finance and Assistant Chief Procurement Officer / Budget Chief, to provide a briefing on Finding No. 2017-001 of the Management Advisory Report for the Fiscal Year Ended June 30, 2017 and the County’s Corrective Action Plan to improve internal controls over pCard purchases based on the audit finding,”

Councilmember Brun moved for approval of the report, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 6\*:0:1 (*\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua’i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative vote for the motion; Councilmember Kawakami was excused*).

Council Chair Rapozo: Motion carried. Next item, please.

#### COMMITTEE OF THE WHOLE:

A report (No. CR-COW 2018-01) submitted by the Committee of the Whole, recommending that the following be Approved as Amended on second and final reading:

“Bill No. 2677 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 12 BETWEEN JULY 1, 2017 AND JUNE 30, 2021,”

Councilmember Brun moved for approval of the report, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for approval of the report was then put, and carried by a vote of 6\*:0:1 (*\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua’i, Councilmember Kagawa was noted as silent (not present), but shall be*

*recorded as an affirmative vote for the motion; Councilmember Kawakami was excused).*

Council Chair Rapozo: Motion carried. Next item, please.

Ms. Fountain-Tanigawa: Chair, we are on page 4, Resolutions.

### RESOLUTIONS:

Resolution No. 2018-02 – RESOLUTION CONFIRMING MAYORAL APPOINTMENT TO THE BOARD OF ETHICS (*Dean A. Toyofuku*): Councilmember Brun moved for adoption of Resolution No. 2018-02, seconded by Councilmember Yukimura.

Council Chair Rapozo: Is there any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

The motion for adoption of Resolution No. 2018-02 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Kagawa, Kaneshiro, Yukimura, Rapozo	TOTAL – 6*,
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	Kawakami	TOTAL – 1,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kauaʻi, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative vote for the motion.)*

Council Chair Rapozo: Next item, please.

*(Councilmember Kawakami was noted as present.)*

Resolution No. 2018-03 – RESOLUTION PROPOSING A CHARTER AMENDMENT RELATING TO TERM LIMITS FOR COUNCILMEMBERS

Council Chair Rapozo: Somebody might want to get Councilmember Kagawa to come back in because this is his Resolution.

Councilmember Kaneshiro moved that Resolution No. 2018-03 be ordered to print, that a public hearing thereon be scheduled for February 21, 2018, and referred to the March 14, 2018 Council Meeting.

Council Chair Rapozo: Thank you. Any discussion or public

testimony? If not, roll call.

The motion that Resolution No. 2018-03 be ordered to print, that a public hearing thereon be scheduled for February 21, 2018, and referred to the March 14, 2018 Council Meeting was then put, and carried by the following vote:

FOR MOTION:	Brun, Chock, Kagawa, Kaneshiro, Yukimura, Rapozo	TOTAL – 7*
AGAINST MOTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Kagawa was noted as silent (not present), but shall be recorded as an affirmative vote for the motion.)*

Council Chair Rapozo: Thank you. Next item, please.

Resolution No. 2018-04 – RESOLUTION INVITING THE CITY OF DAVAO, REPUBLIC OF THE PHILIPPINES, TO ENTER INTO A SISTER-CITY RELATIONSHIP WITH THE COUNTY OF KAUA'I, STATE OF HAWAII, UNITED STATES OF AMERICA: Councilmember Kaneshiro moved for adoption of Resolution No. 2018-04, seconded by Councilmember Brun.

Council Chair Rapozo: Any discussion or public testimony? Do we have the Administration here to explain this Resolution? With that, I will suspend the rules. Wally, thank you for being here. I did not know that this was coming up. I obviously received the communication, but the Mayor and I did spend some time in Davao last year and we discussed the possibility, but I think this Council needs to know the plans going forward and the economic relationship.

There being no objections, the rules were suspended.

WALLACE G. REZENTES, JR., Managing Director: You probably know more than me...

Council Chair Rapozo: Which is not much.

Mr. Rezentes: You went there last time. Basically, my understanding is that it was a follow-up from last year's visit. There has been a lot of communication back and forth with different community leaders and Philippine community leaders here. They have coordinated a recent trip to the Philippines and I believe there were some folks from the Philippines that have come to Kaua'i and were hosted and toured some businesses. I understand that there will be a few community members going up with the Mayor to Davao, as well as the President of Kaua'i Coffee Company, who developed a relationship on Kaua'i with some of the folks from the Philippines. It was a following through with what was started back in 2017 and further correspondence between Davao, the County, and various Filipino

community members on Kaua'i, as well as Mr. Daryl Kaneshiro, who has been helping to spearhead the effort as well.

Council Chair Rapozo: Arryl?

Mr. Rezentes: Daryl.

Council Chair Rapozo: Has the Council been part of this at all?

Mr. Rezentes: I am not sure.

Council Chair Rapozo: I guess I am asking the Councilmembers, probably more so Councilmember Kawakami, who is our Economic Development & Intergovernmental Relations Committee Chair. Wally, normally what happens when we develop a sister-city relationship, it is between the Mayor and Council, because that is the "County."

Mr. Rezentes: Yes.

Council Chair Rapozo: Usually, what happens is when they do the presentation, you get the Mayor and a Member of the Council, not that I want go back to the Philippines. That is typically how it is done. Then you have a delegation that involves the Administration and the legislative body and we go up there and do all of these things. That is how it is usually done. I can tell you that we had a lot of opportunities, not only with Davao, but with a couple of the other cities that we had been invited to last year. I have been called one time to say, "Hey, Mel, somebody from Davao is here. We are having dinner tonight. Can you make it?" Obviously, I could not make it, but that was the only call I ever received. I am just wondering if any other Councilmembers were part of this discussion. I do not know what has evolved. I was not aware that we have been meeting with Kaua'i Coffee Company. I think it is a great thing, but I am hearing this for the first time today and I think that is concerning. I think that we should at least be involved in this process and probably Councilmember Kawakami should be the first one to be invited, but whoever wanted to go up from the County Council should be able to go up when we do a ceremony like this, not just the Mayor. I think that is where I am having some problems with this. Councilmember Yukimura.

Councilmember Yukimura: I would appreciate an orientation, like a map, that shows where Davao is and some background in terms of how many sister-city relationships we already have with the Philippines. We want to honor whatever we make our commitments to, and if we do a relationship with every city we visit, that is not going to work. Then some discussion about what is common in our relationships that will bring forth some opportunities to both sides and that kind of thing. I think that would be a good way to launch any sister-city relationship.

Council Chair Rapozo: When is this planned trip supposed to happen? It sounds like it is already planned.

Mr. Rezentes: The Mayor is going next week and I think...

Councilmember Yukimura: Next week?

Mr. Rezentes: Next week.

Council Chair Rapozo: Next week?

Mr. Rezentes: Yes. I think one of the places he is going to go is there.

*(Councilmember Kagawa was noted as present.)*

Council Chair Rapozo: Okay. Any other questions of the Administration? Councilmember Kaneshiro.

Councilmember Kaneshiro: For me, I can tell you that my dad went—I do not know how he got dragged into it—but he paid on his own dime. I think he went because he has gone to other sister-city trips before. From what he has told me of Davao City is that it is a great city, a prospering city, and that it is going to be an up and coming city. Also, it is one of the safest cities...I think one of the top five (5) safest cities in Asia now. He was talking to me more about the opportunities that are happening there with the President Duterte, and the Mayor is his daughter of Davao City, and there is a lot of opportunities going on in Davao and he thought that it was a great opportunity. It was the Mayor that asked...I do not know how he went, but he came back and was just saying that it is a great opportunity for the County with sister-city relationships to be in a city that is going to be very prosperous in the future and a city where I think coffee was a big industry and Kaua'i Coffee Company had an opportunity to talk to the people. They were excited about Davao City. He said it is very similar to Kaua'i as far as the rural environment and the type of people, but yet, there was also a lot of industries going on there and he just thought it would be a great opportunity.

Council Chair Rapozo: I am not disagreeing with the possibility. I guess my frustration is that...I went...I was there last year and I saw that they had a great...their coffee industry is different because they have a coffee that is civet...that animal eats it, craps it out, and then they wash it and sell it; it is great coffee, the most expensive coffee in the world. But their big industry right now is cacao. They really cannot produce enough cacao to supply the world, but again, when the Mayor and I went, we had discussions with the cacao farmer and we were talking about possibilities of bringing them here, training our farmers out here in Kilauea, possibly finding an area, because the climate is similar, that we would be able to teach our farmers how to grow cacao and help the market. All of that was discussed and that was the end of the day; *pau*, done. Now, I see a Resolution. I think like Councilmember Yukimura is saying, and for me, is that this has to be a mutual effort. This has to be a joint project between the County, including the Council, and the Administration. That is all I am saying. If you folks are comfortable with just wherever the Mayor goes and he wants to create a sister-city and we do a Resolution, I think we need more information. We got that from you, Councilmember Kaneshiro, from your dad. We did not get that from the Administration. I hate to sound like I

am against everything, but this is a huge commitment that we are making when we do a sister-city. It is not just a plaque that you hang on the wall and you give them some *poi* and *laulau* and say, "Right on, now we are brother and sister." It is not like that. It is a commitment that we are going to work to that end, that we are going to work with them, exchange ideas, have trainings, and make this commitment of these annual exchanges. That is a huge commitment when we are talking about a location in the Philippines. I am just speaking out loud because we never had an opportunity to discuss this and I have not spoken to anyone. I am surprised to hear that the trip is as soon as next week. Councilmember Kawakami.

Councilmember Kawakami: Thank you, Mr. Chair. Since you posed a specific question to me on my involvement, to the extent of actually going to Davao City, I have never gone to Davao City, like yourself, but I have been in conversation. We did meet a congresswoman from Davao City and we did learn that I think the biggest takeaway from what the Administration sees in this sister-city relationship is: one, from an economic development standpoint, Davao City's biggest economy is agriculture and they feel that they can learn a lot from Davao City. They have a tropical climate. They are growing a lot of the commodities that we are also growing as well, not only coffee, but they are talking pineapple and diversified agriculture. That was to the extent of any type of knowledge of this sister-city relationship. I have not been invited to any trips. But I can tell you that the other takeaway is the humanitarian exchange as well that was discussed. That is the extent of my involvement.

Council Chair Rapozo: Okay. Councilmember Yukimura.

Councilmember Yukimura: This piecing together of information is really interesting. It is really interesting to hear about this city. I think the Administration owes us a presentation of where it is and organizes this kind of information and tells us. Can you do that? Can we defer this and can you get somebody over here who can tell us something? Chair, can we do that? To ask us to vote on this...I am very much in favor of international relations, especially with the Philippines, because we have so many people here who come from there, but just some information.

Mr. Rezentes: We can send over something to you folks.

Councilmember Yukimura: Okay. That would be helpful.

Council Chair Rapozo: Any questions? If not, thank you. Public testimony? Mr. Mickens, I will suspend the rules.

There being no objections, the rules were suspend to take public testimony.

Mr. Mickens: For the record, Glenn Mickens. I agree with Council Chair Rapozo and Councilmember Yukimura. I think we need a lot more information about these sister-cities than we are getting. I know we had an entourage going over there and people going over there to supposedly encourage tourism to come here. But going to the Philippines to do that...it is a very poor country and just to try to get them...I think we have to...what is it costing the



taxpayers to have these sister-cities? Like Chair said, if it is for farming instruction or something, then we are getting some kind of bang for our buck. If it is just for a goodwill relationship, we are spending big money to send the Mayor and his people over there as just a goodwill relationship, I do not see the benefit of that. We are getting all the tourism we need. Hawai'i is a place that everyone wants to come to anyway. I do not think we have to advertise that much. Again, I do think that we have to have more information, exactly what the cost is, and what kind of bang we are getting for our buck. Thank you.

Council Chair Rapozo: Thank you. Mr. Rezentes.

Mr. Rezentes: I apologize. If I could just clarify that—the Mayor is actually going on vacation...a part of his trip he is going to be there in Davao and meet with the Mayor Duterte, who he and yourself could not meet with the last time because I believe she was having a baby or about to have a baby. So this is a circle back with some folks from Kaua'i. The Mayor is not going on the County dime on this trip.

Council Chair Rapozo: Okay. Thank you.

Councilmember Yukimura: But he wants to bring this Resolution when he goes, even though it is not...

Mr. Rezentes: I am not sure on the timing of the Resolution. It may not be germane. I think he wanted the contingent of folks from Kaua'i and other places to have the chance to meet with Mayor Duterte, because they were not able to do that the last time. He is going there for some other things. Again, the County is not paying for his airfare and that type of stuff.

Councilmember Yukimura: So this is not an official trip?

Mr. Rezentes: No, but that piece where he is going to be meeting with her, I guess you could call it "official," but he has other things on this trip that he is doing, but it is not "on the County's dime."

Council Chair Rapozo: Councilmember Chock.

Councilmember Chock: What I am hearing is that it is not time-sensitive, so perhaps the presentation that is being requested by the Council...

Mr. Rezentes: We can come back for that presentation if you would like.

Councilmember Chock: My clarification is, is it today or are we deferring it to another meeting?

The meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: For me, I just feel like...I am going to say it, I just think that it is disrespectful that this body is not informed, that this body was not part of the planning and that this body is not part of that discussion. I do not know of any County, and I do not think we have ever done it, where the Mayor just went without a member of the Council. Again, I am not advocating, because I do not want to go back there right now, but at least give an opportunity for a member of this Council to go with the Mayor and be part of this ceremony. It just does not commit the Administration, it commits the Council as well. It should be a team effort. That is the frustration. I will leave it up to you folks. If it not time-sensitive, then I would say that we just defer it to the next Council Meeting or whenever they are ready to do a presentation. Councilmember Kagawa.

Councilmember Kagawa: I would just prefer to approve it now, but of course, a unanimous vote for a sister-city relationship would be great. Again, reading this Resolution, it is not tying us to any funding; it is just establishing a friendship with another city in hopes of bettering both cities. I feel like this is a formality. If we have deeper discussions into the Mayor's travels or what have you, we can put that as a separate communication and discuss it further, but I do not think we should withhold our vote. We all agree that having these sister-city relationships are nonbinding financially and provides benefit to us, because a lot of people from the Philippines live amongst us and are a strong part of our community. Thank you.

Council Chair Rapozo: Again, let me say that as far as the sister-city relationship with Davao, I am very encourage with what I saw when I went, but my problem is the failure to include the Council; that is my problem. For me, it is a serious problem. Councilmember Kawakami.

Councilmember Kawakami: Thank you, Mr. Chair. I am all for approving and I am also all for being included, as far as the Council goes and I had assumed that we were involved. You got to take a trip out there. Some of us did get a briefing on the economic value. Just for the public's personal edification—and this is the last report that came out from the State in 2009, so it is outdated—but as of 2009, we have eleven (11) sister-city relationships established in Kaua'i County, and if I mispronounce any of these names, I ask for forgiveness: in 2000, Abra Province in the Philippines; 1989, Cooktown, Queensland, Australia; Ishigaki-Jima, part of the Ryukyu Islands in Japan; Moriyama City; Hebei Province in China; Tsuoshima Yamaguchi Prefecture; French Polynesia; Penghu County in Taiwan; Santa, Ilocos Sur Province; Urdaneta, Pangasinan Province in Philippines; and Woodbey, England. So I am interested to see from 2009 to now, how many we have added and historically what the process was. I think I was around to approve maybe one (1) sister-city, but I do not recall too much Council involvement. If that was a precedent that was set, then I am all for that as well. I am okay with what I have learned about Davao City to go ahead and approve it. I know that we do have a longstanding relationship with Davao City and Hawai'i as far as the community of the County of Kaua'i because of our great relationship with the Philippines. Thank you, Mr. Chair.

Council Chair Rapozo:

Councilmember Yukimura.

Councilmember Yukimura: I think this has great possibilities, but it is not budget-free because we spend money to take trips there, and then when they come, we host them. It takes time of our staff and of the Mayor's staff. There are wonderful opportunities, but it is not without cost. We want to focus on, celebrate, and actually develop opportunities. So it is a time and attention matter as well. We cannot do it with every city that we go and visit. We have to concentrate on the ones that are similar to us and where we have common interests and so forth. I think it is something we should do with all deliberation and I really feel that if the goal is friendship and increased understanding, the opportunity to tell us today and to tell the island that is watching about this place and the possibility of the relationship should be part of the process. Some of you have had the privilege of going to visit or to be briefed, but I believe the majority has not.

Council Chair Rapozo: Anyone else? I had one (1) day in Davao where I met with a couple of businesspeople and I thought that the potential was great. Again, what is our commitment to move forward in that relationship? I think that is critical. Councilmember Brun.

Councilmember Brun: You asked about if we were involved—I received a call from Councilmember Kaneshiro that they were going to be down at his dad's place the day of and I could not show up. For me, I had no involvement in this. This is new to me, just like everyone else.

Council Chair Rapozo: Councilmember Kagawa.

Councilmember Kagawa: True, that it does cost when trips are made, but we control the budget. We have the budget proceedings coming up and we can control how much the Mayor has in his travel budget and how much he has in his hosting budget. I think the power we have is we can control how much money he has to spend on all of the relationships that we have. To say, "Well, we will hold off this Resolution, because we do not think we need more sister-city relationships being spent on"—that is not true, because we control the budget. Whatever amount we put to spend on sister-city relationships is the limit. We control what is spent on sister-city relationships, whether it would be traveling or hosting, which is why I am saying that we already have...I do not know how much relationships...twelve (12) plus, however much has been done...maybe twenty (20)? What is twenty-one (21)? Why hold up this Resolution? We control how much we spend and we want to allow the Administration to spend on these relationships. If we are barking that we want to control spending on sister-city relationships, the buck stops here. We can do it. We can stop it, not denying this one (1) relationship. We are creating a huge issue out of something that basically we control at the budget. We control how much they are going to be allowed to spend on sister-city relationships. Let us do our job if we are concerned about the Mayor's spending on sister-city relationships. We have the prerogative to do it. Just remember that when you are the Mayor, you are not only worried about legislative matters; you are trying to build the entire County and trying to do what is best for the entire County. Let us be clear that the Mayor's job is very different from the Council's job and to manage it from this seat is not responsible.

Council Chair Rapozo: Any other discussion? Councilmember Kaneshiro.

Councilmember Kaneshiro: I was actually going to say what Councilmember Kagawa said regarding the budget and travel expenses. We approve the budget; the travel expense is the Mayor's travel expense. We all see that line item and the Mayor gets to travel however he wants within that travel expense. If he wants to fly to the Philippines five (5) times a year, within his budget, he can, but it will take away from him flying to Washington, D.C., or wherever else he goes. That is his prerogative. I can tell you that we do have a lot of sister-cities. I think French Polynesia just visited us last year where they came down and got to see our island. I think it is a benefit to us and them when we do have the sister-cities. I know we had baseball teams fly to Japan to play with one of our Japan sister-cities. These are experiences that the people from Polynesia coming here and our kids going to play baseball in Japan—these are experiences that they are going to remember forever. For me, I am okay voting for it now. I only see it as a benefit.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: For me, it is not a matter of whether we have control or not; we do have control. The questions about making a commitment, which then we want to really fulfill. So we are going to tell them, "Well, we have already gone on trips for sister-cities; when you come, we will not put out and do what we can for you"? It is about making a commitment and then following up with it. That, for me, is the issue. You can limit the budget anytime, but if you have made a commitment to the sister-city, then you want to nurture it and it will take some money. That is the issue. I am not opposing it, I will vote for it, too. I think we need to have the process at least be proper.

Council Chair Rapozo: Thank you. For me, it is not so much the finance, it really is not. The sister-city is very important to the County. We have seen that time and time again. The bigger issue for me that I have stated a few times is just the fact that...I do not know if this is going to be done next week...I heard Wally say that it is a vacation trip and that he is going to stop in the city, but is this Resolution...is the ceremony going to be done at that point? I do not know. I do not know if Wally can answer that or not, but I am not going to block this Resolution. If the majority of this Council wants to approve it, obviously, I will approve it because I have seen the potential. I just do not know what the County's plan is. I just want to make sure that when this is done that this Council is given the opportunity to join the Mayor on that trip. That is all I am asking for. This is not a mayoral sister-city; it is a County sister-city and the Council plays a big role, as you folks have discussed about the finances. You have to fund these relationships. I just want to make sure that the Council is included. I have not seen one (1)...throughout this State, we see it all of the time...the Mayors of the other counties always take a member of the Council, typically the Economic Development Chair, but it could be anyone. It could be multiple. That is what I want to make sure that this body has the opportunity to be part of that delegation. Any other discussion? Councilmember Yukimura.

Councilmember Yukimura: Chair, even if we vote on it today, I think we are owed some really accurate information about this proposal. So if we could defer it and have Wally get that, I would appreciate it.

Council Chair Rapozo: I do not know if Wally is able to do a presentation that you are expecting...from what I heard him say was that I probably know more about this than he does and I told you what I know—I spent a day there and we met a couple of great businesspeople that were willing to share with our island. I think it could be of great benefit. I think the cacao story for me was probably the most enlightening.

Councilmember Yukimura: He did say, “Yes, we can provide information.”

Council Chair Rapozo: Okay. Councilmember Kagawa.

Councilmember Kagawa: I do not think we listen to each other talk. What I proposed is that we put a communication that we can discuss all what you want to discuss, but why hold up the Resolution? Again, we already have twenty (20) or so, so why hold up one (1)? We are now worried about how we are going to pay and what kind of commitment we are going to make to foster one. Why are we going to focus on this one then? If the focus is all of our commitments to all of our sister-city relationships, let us put a communication where we can discuss all of them and what kind of effort we are putting forward with a presentation to foster all of those relationships. I do not think the Resolution needs to be held up. Let us do another communication...

Council Chair Rapozo: We are going to take the vote, because the motion was to approve. Councilmember Kawakami.

Councilmember Kawakami: Thank you, Mr. Chair. I think you have a good idea and I think we are leading to what I am going to propose...why do we not schedule a briefing in the Intergovernmental Relations & Economic Development Committee, my Committee, on a briefing on our sister-city relationships under this Administration, and then they can go over all the economic value or whether it was humanitarian. Sometimes sister-cities is just an educational exchange, a cultural exchange, or an economical exchange. I think there is value for us being briefed and educated and the public at-large as to what the value of what sister-city relationships are. It is a common question that comes up—when they read a sister-city relationship being established, they say, “What is the value in it? How much does it cost?” It would be a good opportunity to get a briefing on everything that we have seen. I think that is what I proposed moving forward, but we can schedule that.

Council Chair Rapozo: Councilmember Yukimura.

Councilmember Yukimura: I do not have any objections to what has been said, but I do feel that a resolution that begins a sister-city relationship should be preceded by a formal presentation by the Administration about what this city is about, what the commonalities are, where it is located, and all of that. It is a resolution, it is an official act. I think we should know whether the Mayor is going to

have an official ceremony next week. We just need to be informed, this kind of thing where it is thrown on the agenda and we are expected to act without any background does not seem very professional, if you want to put it that way. I am giving all leeway possible, the possibility of passing it today, but at least getting a presentation, which the Managing Director said he would be willing to do.

Council Chair Rapozo: Let me suspend the rules real quick and have Wally come up. Can you clarify what you can and cannot do? Go ahead.

Councilmember Kagawa: In all of my years in working as staff here and serving here as a Councilmember, I have seen numerous sister-city resolutions come through and I have never seen a formal presentation, so this is something new that we are asking him to do. Let us not blame them for not being prepared. It was never done as far as I knew. When you are asking for something new, the tone of our message needs to be carefully monitored. We are asking for something totally new, now that you have brought this concern, which is a legitimate concern. What I am saying is let us discuss that under a communication, which will not hold up the Resolution. Again, we have a difference of opinion and how to handle this issue, so I suggest just taking a vote.

Council Chair Rapozo: Wally, are you folks able to do a presentation? Let me ask the first question, and I am willing to support this Resolution today to get it passed, but is the Mayor going to be doing the ceremony next week?

There being no objections, the rules were suspended.

Mr. Rezendes: I am not sure what formal or informal...

Council Chair Rapozo: Can you find out?

Mr. Rezendes: Yes, I can find out.

Council Chair Rapozo: I do not have a problem passing this today, because I saw what we can do with Davao, but my only objection is the fact that we were not included. If we pass this today, can we get a commitment from the Administration that a date be set where this body would at least be invited to participate in that?

Mr. Rezendes: Sure.

Council Chair Rapozo: Sure?

Mr. Rezendes: We can do that invitation and come back with more information as the Council desires.

Council Chair Rapozo: Okay. I would agree with Councilmember Kawakami that this Committee can actually have a session involving the sister-cities in general. Any other questions of Wally? If not, I will call the meeting back to order. Further discussion?

There being no objections, the meeting was called back to order, and proceeded as follows:

The motion for adoption of Resolution No. 2018-04 was then put, and carried by the following vote:

FOR ADOPTION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7*
AGAINST ADOPTION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

*(\*Pursuant to Rule No. 5(b) of the Rules of the Council of the County of Kaua'i, Councilmember Yukimura was noted as silent, but shall be recorded as an affirmative vote for the motion.)*

Ms. Fountain-Tanigawa: Seven (7) ayes.

Council Chair Rapozo: Next item, please.

#### BILL FOR FIRST READING:

Proposed Draft Bill (No. 2660) – A BILL FOR AN ORDINANCE TO AMEND THE KAUAI COUNTY CODE 1987, AS AMENDED, CHAPTER 8, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Additional Rental Unit*): Councilmember Kagawa moved to receive Proposed Draft Bill (No. 2660) for the record, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion or public testimony?  
Councilmember Yukimura.

Councilmember Yukimura: This is the one that is applied just to Līhu'e, right?

Council Chair Rapozo: Correct.

Councilmember Yukimura: I just want to say that for the reasons mentioned by Bruce and other reasons, I felt that doing this pretty innovative approach to providing housing, which I agree with, should be done on a pilot scale and it was logical to me to do it in Līhu'e where we have said that we want to see the growth and need to see the growth, because there is a huge number of lots in this town, and by providing more housing, that will and can positively impact the traffic situation on the island. We have a lot of the infrastructure here in Līhu'e, too. I am not in favor of killing the Bill, which is what is done by receiving it; I would rather go through the full discussion and leave both bills on the agenda until we are very sure that we want one or the other. The other Bill is Proposed Draft Bill (No. 2686), which is the next Bill on this agenda and I am open-minded about it, but I think we need to be concerned about the impacts and we need to have a full discussion. We are still

going to public hearing on Proposed Draft Bill (No. 2686), so I would like to have both options kept alive until we finish our deliberations on the Additional Rental Units (ARUs).

Council Chair Rapozo: Any further discussion? I think we had the discussion when it came up and my concern was the fact that it was limited to Līhu'e only and that I would not support a bill that was limited to only one (1) area, but that option is up to this body right here. The receipt does kill it. Councilmember Chock.

Councilmember Chock: I have been told that the Līhu'e Bill is in Committee, so it is stuck in the Committee and needs to be addressed there.

Council Chair Rapozo: That means we need to dispose of the Committee first. Let us just defer this then.

Councilmember Yukimura: So I think Scott just explained that the Līhu'e one is coming back with Bill No. 2686.

Council Chair Rapozo: It is set for next week's Committee Meeting, right? When is it scheduled for?

Councilmember Yukimura: Maybe Scott can take the mic.

There being no objections, the rules were suspended.

SCOTT K. SATO, Deputy County Clerk: Scott Sato, Council Services Staff. So the Līhu'e version that Councilmember Yukimura is referring to is currently scheduled to come back on the Planning Committee Agenda on February 28<sup>th</sup>, which will coincide with Proposed Draft Bill (No. 2686), taking its course and coming back at the exact same moment, so that the Planning Committee can entertain the Līhu'e version, as well as this Islandwide ARU, which is now being returned back from the Planning Commission.

Council Chair Rapozo: What is the Council Meeting following the Committee Meeting that this is scheduled for?

Mr. Sato: It will then be heard for second and final reading on March 14<sup>th</sup>.

Ms. Fountain-Tanigawa: If it passes.

Council Chair Rapozo: That would be the motion we need.  
Councilmember Kagawa.

Councilmember Kagawa: So for clerical purposes, for our staff, to make it cleaner, it would be best to receive this first one as recommended, right?



Mr. Sato: Correct. The recommendation would be to receive Proposed Draft Bill (No. 2660), proceed with Proposed Draft Bill (No. 2686), which has the Planning Commission's recommendation.

Council Chair Rapozo: What is in the Committee that you talked about?

Mr. Sato: The Committee is just that Līhu'e version only.

Council Chair Rapozo: Okay.

Councilmember Yukimura: Thank you, Scott.

Mr. Sato: So the motion for Proposed Draft Bill (No. 2686) would be to approve on first reading, schedule public hearing for February 21<sup>st</sup>, and refer to the Planning Committee. That will bring both versions, the Līhu'e version and the Islandwide, on the same Planning Committee Agenda.

Council Chair Rapozo: Okay, so the motion to receive is appropriate?

Mr. Sato: For Proposed Draft Bill (No. 2660), correct.

Council Chair Rapozo: Which is where we are at right now?

Mr. Sato: Yes.

Council Chair Rapozo: Okay. Councilmember Yukimura.

The meeting was called back to order, and proceeded as follows:

Councilmember Yukimura: I want to thank our staff, Scott Sato, for the clarification. It sounds like what I wanted to happen will be happening where we will have both bills before us. I am happy to vote to receive Proposed Draft Bill (No. 2660). Thank you.

Council Chair Rapozo: Any other discussion?

The motion to receive Proposed Draft Bill (No. 2660) for the record was then put, and carried by the following vote:

FOR RECEIPT:	Brun, Chock, Kagawa, Kaneshiro,	
	Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST RECEIPT:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: Motion carried. Next item, please.

Proposed Draft Bill (No. 2686) – A BILL FOR AN ORDINANCE TO AMEND THE KAUAI COUNTY CODE 1987, AS AMENDED, CHAPTER 8, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE (*Additional Rental Unit – Planning Commission Recommendation*): Councilmember Kagawa moved for passage of Proposed Draft Bill (No. 2686) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 21, 2018, and referred to the Planning Committee, seconded by Councilmember Brun.

Council Chair Rapozo: Any discussion? Councilmember Kagawa.

Councilmember Kagawa: This is the Islandwide one, right?

Council Chair Rapozo: Yes.

Councilmember Kagawa: My only concern on the islandwide, my main concern, is how do we prevent any ARUs from happening north of Kilauea? My reasons is that we have heard it clearly from a lot of the residents there that there is enough as it is. We need some type of “moratorium,” although we do not want to use that word, until there is something done about the traffic, especially in the Hanalei Bridge area and just saying that there is too much parking issues and too much congestion in the communities. When you go islandwide, I would say that it is almost illegal to just say “islandwide, but not Hanalei and Hā’ena.” I think the way we can vet that issue is to make sure that we work with Planning and put language in there that really forces the homeowners to do a benefit back to the people of Kaua’i, like to get rid of cesspools and those kind of things, should an ARU be granted. Maybe that kind of condition would probably prevent those ARUs from happening. I would rather see that type of solution, rather than going with some type of language that just eliminates a certain community, but a lot of work to be done on the ARU. As far as the rest of the island, I think for me, it is a fairness issue. The reason why myself and Council Chair Rapozo asked for the islandwide was that there were people that watched our meetings regularly...we say millions watch, right? I do not think it is actually millions, but when they saw that Bill, they said, “Great, why can we not do that in Waimea? Why can we not do it in Hanapēpē? It would be great income for us if we could put up a unit.” Believe it or not, there is high rent going on in the west side and for a lot of people, that really can help to pay some bills, especially if they have the room. There is a lot of residences that are more suited as far as area, and driveway, parking in the property, et cetera, compared to in Līhu’e. In many ways, it makes more sense out there; however, like Councilmember Yukimura said, a lot of times you have to worry about adding more homes, but what about more congestion into Līhu’e? I say, “Well, what if a lot of those people already work at the Pacific Missile Range Facility (PMRF)? What if they work on the west side?” Then it would not be adding to congestion. It depends who these rentals are going out to. Are they going out to the local people that already live there? If so, then there is no congestion being added because they are already driving from where they come from. The islandwide was done because of the community who had called and say, “Wow, why does only Līhu’e have this benefit?” I think that was a fair response that we have to try and be fair to residents’ needs and wants. If they want it to be applied to all, then we have to try and accommodate so that everything is fairer. Thank you.

Council Chair Rapozo:

Anyone else? Councilmember Yukimura.

Councilmember Yukimura: I know that residents want to add additional units. So many families are crowded with many generations in one (1) house, so the problem is big. I also know that I sat in at the Kekaha meeting where ARUs was discussed twice and the first time, they all were enthusiastic about it until the second meeting they heard that they had to have sewers. Then not too many people raised their hand after that to say they were interested, because one, there are no sewers right now in Kekaha, and two, they did not want the bimonthly sewer bill that came. It is cheaper for them right now on cesspools, so they did not see that it could actually work for them. That is why it will not be available in a lot of places because there are not sewers in a lot of places. If we want to sewer the whole island, then we can make it happen that way, but that is not feasible either. As far as whether it is legal to give higher density for one (1) place and not the other, that is where the R-40 process is all about. For the Līhu'e Town Core, you are giving it in a place where it is appropriate and not where it is not appropriate and that is what we have to decide. Parking is a really big issue...actually, the problems you cited, Vice Chair, of parking problems, congestion, and traffic. It is not only happening on the north shore, it is happening in a lot of places. If that is the reason not to have ARUs, that reasoning applies to a lot of places on the island.

Council Chair Rapozo:  
Kawakami.

Any other discussion? Councilmember

Councilmember Kawakami: Thank you, Mr. Chair. The time and place to do a pilot project is when we are being proactive and addressing some kind of forecasted problem, but we have come to the point where we are under a housing crisis. As much as I am concerned, and it is a serious concern and I brought it up about where we park vehicles, I am more concerned about where we are parking our people. There is a homeless crisis right now and people are desperate. There are local families that do not know if their children can come back home, and if they can come back home then that means they are sharing the same roof with mom, dad, grandpa, and grandma, and sometimes a lot of different multigenerational families. I think as we go through the process, one, we are going to be addressing a lot of the issues that are going to bubble through the surface, but just the talk about cesspools, we just had a report that is compelling as to the direction that the State needs to take and the counties need to take with cesspools. It is impact on our drinking water, it is impact on our environment. So to continue to lead people to believe that cesspools are going to be okay in perpetuity, to me, is dishonest. At some point in time, government is going to have to provide the infrastructure so that we can allow for growth. I have to admit that I am part of the population problem because I have two (2) kids and I am part of the traffic problem because I drive, so I cannot be a hypocrite and say that nobody else deserves just because we are growing, but I do believe that we are going to have to continue to build a robust sewer system to address what we do with our waste in a responsible way and it is going to cost them money. Even though people do not want to pay for it for the next generation, I do not think we can afford to pollute their drinking water supply. So I see the value in all of this I think as we move along to the public hearing and having it go to Committee, all of these things are going to pop up. The other issue is how are they going to pay for

their fair share on infrastructure, like our water source, how we deliver water? Is there is going to be a Facility Reserve Charge (FRC) tacked onto this? There are so many moving pieces on this issue. It is not a simple thing and I think it is going to be a lengthy and robust discussion on all of these issues that pop up, like parking, sewer, what we do with water, electricity, and so on and so forth. Thank you, Mr. Chair.

Council Chair Rapozo:

Anyone else? Councilmember Yukimura.

Councilmember Yukimura: I think we also need to understand that in this Bill, there is no requirement for affordability, so I think the basic theory of this Bill is that the more supply you can have, the potential for lowering the price of housing, but when the world is the market for real estate on Kaua'i, that supply issue does not work or it only works for a short time, and then we have the problem again. I agree with Councilmember Kawakami that it is very, very complex and certainly the housing problem is not going to be addressed solely by this, but it could be part of the solution and I think that is what we are having to craft.

Council Chair Rapozo:

Councilmember Brun.

Councilmember Brun: I think this Bill will help to provide more houses for more local families. I think we are going with affordability—nobody that is rich is going to come from the mainland and going to live in somebody's extension. I can tell you that. That is just not going to happen. This is just my opinion, but I think that this will benefit the local families. I just went past Waimea on the way in and the homeless is getting worse out there and I think the smaller units will help families to come home. The Chair mentions about his two (2) kids living in the mainland because they cannot afford to come here and this will help some of that. I just think this is good and it will help the local families and help kids to stay home to get on their feet before they can go out and buy their own house. I think we are digging way too deep into this about the affordability and stuff and I think it will work out. I am fully in support of this.

Council Chair Rapozo:

Councilmember Kagawa.

Councilmember Kagawa: Let me remind the public that Līhu'e has already had a lot of ARUs built and they are called "illegal ARUs." It has been well-documented on this Council floor since the '70s/80s about illegal ARUs in Puhi, Hanamā'ulu, and Līhu'e. Let us be clear that the ARU Bill is not the first time that ARUs have been taken advantage of. They have been taken advantage of illegally from fifty (50) years ago. Some are even so-called "monster homes." We have monster homes here and those take enormous amounts off the sewer, off the water, but they just feed off of one (1) meter or one (1) sewer pipe, because they are illegal. There is a big difference between what we are going to be allowing legally and what has already been going on and continues to go on illegally. Let us be clear about the facts. I wish we had clearer numbers as far as outside of Līhu'e, how much illegals are out there. I do know for a fact that it is in the hundreds or even thousands of how much are actually illegal in Līhu'e already. It would be nice to know what is out there...I do not think it is much outside of Līhu'e, but there are some. There are hundreds in

Kapa'a as well. There is a big difference, but generating more for local families, maybe we have to do it. What is more important now? To worry about illegal or legal, or to find affordable housing for our local families? That is what it is going to come down to. Do we only do it in Līhu'e or do we allow it outside of Līhu'e? Those are big issues and this Bill should not be taken lightly.

Council Chair Rapozo:

Councilmember Chock.

Councilmember Chock: Thank you, Mr. Chair. I too, am looking forward to the discussion on this item. I think that we have really tried to look at the bigger picture with this particular Bill. I think one of the things that we have learned in the process is what density it is going to take for developers to look at building residential houses within their budget and within some type of affordability, and while this is certainly not the magic pill, I am looking forward to that discussion to see what the threshold is. This may not be it. We already have Additional Dwelling Units (ADUs) already on the board and they have not made a difference. Will the ARU and increased density make us get to that threshold so that it becomes more attractive for developers to focus and invest in this? We do know that what it will do is open the opportunity for a family who lives on this island, who has young children or young adults who want to get started in the world, or have aging parents and *kūpuna* who need a place, and can no longer be in their own home. It may offer the opportunity for a wall to be broken down and to be built so that we can include that kind of living. I think that the value of having a bill is that the government is part of the process in identifying and addressing some of the concerns that we have seen with regard to illegal activity; for instance, in Hanamā'ulu that was suggested. The questions of parking and other concerns are definitely where I would like to focus on and see how it is that we can come to a place where we are actually designing and planning neighborhoods and still retaining the character that we want and see so that this can be a place where we all want to grow up and live. I am a little concerned about the fact that it is really being limited by our sewer system. While I agree that we need to really transition, and that is the ultimate goal for us—right now, this is what is limiting this type of development. So this is actually being used as a planning mechanism to some degree and I think that there are some red flags to that, so we need to be careful and really monitor how that happens moving forward. Nonetheless, as I said before, it is just one (1) small piece of the puzzle and I think there are going to be many others, as Councilmember Kawakami suggested that needed to be looked at, that we need to put on the table. We are in a state of crisis, a state of emergency, so we need to be clear and not only be creative, but maybe even take some bigger steps in that direction. Thank you.

Council Chair Rapozo: Anyone else? I, too look forward to the discussion. There is going to be a lot of issues. Councilmember Kagawa brought up the issue of parking at the last discussion, a very, very important discussion. When this Bill first came out, I think the structure was limited to five hundred (500) square feet? Is that correct? The lot size was also determined. As Mr. Hart said earlier, eight hundred (800) square feet—my house is seven hundred twenty (720) square feet with three (3) bedrooms and a bathroom and we had three (3) cars, because my daughter had a car, and if my son was on Kaua'i at the time, there would have been four (4) cars. So we have to be very cognizant that when we start dropping these

ARUs in these residences, we have to make sure that the parking is accounted for. One (1) off-street parking will leave a few more cars on the road, and with the parking law that we just passed, how many people are going to be legally able to park on the road? What are these folks going to do? The other issue is we are going to have to determine what is the intent of this legislation? Is it to house your *'ohana*, your kids, grandparents, or whatever? Or is it to fill up a gap need of rentals? Keeping in mind that...we all know the owner-builder laws in Hawai'i clearly state that if you go owner-builder, you cannot rent that property for one (1) year. You cannot rent out that unit. You cannot sell the unit. You are going to have to basically build this unit...if you are going to do it on your own...otherwise, if you are looking at a eight hundred (800) square foot house at a two hundred dollars (\$200) a square foot, you are looking at one hundred sixty thousand dollars (\$160,000) just to build a house. I am not sure how many families can absorb that and not be able to charge some kind of rent. If they go owner-builder, you cannot recoup any of that. I envision a lot of garages being enclosed or existing parts of the home being blocked off with a separate entry and they will be able to rent those out, but if you are going to build a separate unit, you are restricted by owner-builder, otherwise, it is going to be very feasibly not doable...you cannot do it, it is just too expensive. We have to determine the intent. Are we just trying to get our kids into homes? If so, then we might have to put in some kind of *'ohana* requirement. There is a lot of discussion that needs to be had. I do not expect this thing to fly through in a committee meeting or two, but I would ask that we all keep those issues in mind because those are complex issues and we have to make sure that we anticipate all of the unanticipated consequences that we might be creating. I look forward to a very, very involved debate coming up in the next few months. Any other discussion? If not, roll call.

The motion for passage of Proposed Draft Bill (No. 2686) on first reading, that it be ordered to print, that a public hearing thereon be scheduled for February 21, 2018, and referred to the Planning Committee was then put, and carried by the following vote:

FOR PASSAGE:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST PASSAGE:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: Next item, please.

Proposed Draft Bill (No. 2687) – A BILL FOR AN ORDINANCE TO AMEND CHAPTER 8, SECTION 8-2.1(A) AND SECTION 8-4.2(A), AND CHAPTER 10, SECTION 10-5A.7(A), KAUAI COUNTY CODE 1987, AS AMENDED, RELATING TO THE COMPREHENSIVE ZONING ORDINANCE AND LIHU'E TOWN CORE URBAN DESIGN DISTRICT: Councilmember Kaneshiro moved to refer Proposed Draft Bill (No. 2687) to the Planning Commission, seconded by Councilmember Brun.

Council Chair Rapozo: With that, I will suspend the rules. Ka'āina, can you come up please?

There being no objections, the rules were suspended.

Mr. Hull: Aloha Chair and Members of the Council. Kaʻāina Hull, on behalf of the Planning Department. So the map that you have above you folks where you see "SPA," which refers to "Special Planning Area D" as in "David", that is the Rice Street Special Planning Area. So the draft bill right now is to allow up to R-40 in the Special Planning Area "D."

Councilmember Yukimura: Special Planning Area "D"?

Mr. Hull: Yes, "D" as in "David."

Councilmember Yukimura: Can you just show us where Rice Street is?

Mr. Hull: Rice Street runs right along there. This entire gray area...

Council Chair Rapozo: Hang on, Kaʻāina. I am sorry.  
Councilmember Kawakami.

Councilmember Kawakami: I just want to inform the Council and the public at-large that I am going to be recusing myself from this agenda item. I do have a potential conflict of interest. I will be seeking an opinion from the Board of Ethics. We do have some property in this special area, so I will be recusing myself.

*(Councilmember Kawakami was noted as recused from Proposed Draft Bill (No. 2687).)*

Council Chair Rapozo: Thank you very much. Kaʻāina.

Mr. Hull: So Rice Street is right along here, but the entire gray area, Special Planning Area "D," would be under the proposed draft ordinance, allowed up to R-40. Right now, the entire area requires for residential density at R-20. Is there any other questions?

Council Chair Rapozo: That map is real difficult. Where is Kapule?  
Where is the nearest cross street?

Mr. Hull: The County buildings are over here.

Council Chair Rapozo: Where is this Historic County Building?

Mr. Hull: It should be right over here. Sorry, over here.

Councilmember Yukimura: That is the Civic Center, right?

Mr. Hull: Yes.

Council Chair Rapozo: Is that the Civic Center or the Historic County Building? Where is Līhu'e Chevron?

Mr. Hull: Līhu'e Chevron should be over here.

Council Chair Rapozo: Okay. Rice Shopping Center?

Mr. Hull: Where you see that C/G.

Council Chair Rapozo: Better yet, where is Līhu'e Court Townhomes?

Mr. Hull: The Līhu'e Court Townhomes are down in this area, I believe where it says R-20.

Council Chair Rapozo: Okay. Councilmember Yukimura.

Councilmember Yukimura: So if it says R-20, why did you say that it was R-40?

Mr. Hull: No, so the Līhu'e Court Townhomes were built prior to the adoption of the Comprehensive Zoning Ordinance (CZO). It was built at R-70, I believe, or the equivalent to R-70. I can also state that the recent Rice Camp development was done in conjunction with the Housing Agency, where they went for a special permit that I believe they built it at a density close to R-30.

Councilmember Yukimura: Okay. How did they do that?

Mr. Hull: Under the current CZO, if you apply for a project development use permit, not just a regular use permit, but a project development use permit, and it is in partnership with a County, State, or Federal housing agency, that permit can allow you to exceed density.

Councilmember Yukimura: So why would we not do that for SPA-D? That would ensure that there would be some affordable housing or that there will be emphasis on affordable housing when a developer comes forth, instead of just giving them outright R-40.

Mr. Hull: Well, any developer right now can partner with a State, County, or Federal housing agency to qualify for that exemption. We just had numerous meetings with potential housing developers, and as you all are well-aware, in the past decade, we have not seen any new entitlements for any new housing program or housing project. There is an array of different reasons, the costs in particular. With those meetings, we have the potential developers and they have pointed out some things concerning multifamily units and apartment-type of complexes. The current R-20 restriction can be a barrier to entry and that it does not pencil out as far as economies of scale and providing the product at the multifamily level.



Councilmember Yukimura: But they are assuming that it will be market units, right?

Mr. Hull: Assuming that it be market units under Kaua'i's current Housing Ordinance, there would be a necessary ratio that are dedicated to the affordable housing program, but indeed market units.

Councilmember Yukimura: Just in terms of the overall picture, I think the Planning Department has said that there is no room for transfer development rights because we are already overloaded with units. There is no real need for additional units. Is this not an example of giving units when you could instead make it a receiving zone for transfer development rights?

Mr. Hull: Well, the thing is that there are numerous properties still here in Līhu'e that have not built out their density. So nobody is going to pay extra to buy density that they do not have. Quite honestly, it is just providing an opportunity to, say, if you want to build a multifamily unit up to the R-40 level, you can do it over-the-counter, essentially.

Councilmember Yukimura: Exactly. With the stroke of a pen, we are giving them extra density and we have been doing that historically and that is why you folks are telling me that transfer development rights does not work because we have overloaded the densities and nobody really needs it. Now, this is a real need. That is why you are coming forward. You are saying there is a need for more density.

Mr. Hull: Well, there is a need to allow to reduce barriers of entry for potential housing projects, indeed.

Councilmember Yukimura: And they can already do that with this project development use permit, which would give them an incentive to really work on providing affordable housing.

Mr. Hull: Like I said, I will agree with that sentiment, Councilmember, that indeed there is a current way to do it, but I can say personally that I have met with, in the past year, two (2) different development projects that because of the discretionary permit review process, they were not going to avail themselves to it. Without any guarantees, they decided not to proceed forward with the project.

Councilmember Yukimura: Okay.

Council Chair Rapozo: I have a question. How many available lots or how many developable lots are there in that district right now? Do we know?

Mr. Hull: I do not have that number on me at the moment.

Council Chair Rapozo: Is it significant? Is it a few? Is it a couple? How many people can actually use this? I am assuming the fifty percent (50%) lot coverage rule; is that for this area?

Mr. Hull: That still applies currently.

Council Chair Rapozo: So you are telling me that they can only use...

Mr. Hull: I apologize, Chair. The fifty percent (50%) lot rule only applies to that section that is noticed as R-20. The rest of the Special Planning Area has a ninety percent (90%) lot coverage.

Council Chair Rapozo: Okay. Of all of the available lots out there, how many are of an acre or more?

Mr. Hull: I do not have that on me, but we could get you that information.

Council Chair Rapozo: Do we have a ballpark?

Mr. Hull: Several lots are.

Council Chair Rapozo: That are an acre or more?

Mr. Hull: Yes.

Council Chair Rapozo: Buildable? This is what I am concerned about and maybe you can help me, but is the Planning Department intending to come back to Council to get a change in the height requirement to accommodate this?

Mr. Hull: The height requirement for this district was already expanded eight (8) years ago to fifty (50) feet.

Council Chair Rapozo: I know it is fifty (50) feet now, but is there an intent of the Administration and the Planning Department to come back to Council to raise that to an even higher limit to accommodate this R-40?

Mr. Hull: I can say that there have been no discussions from the Department's side on that. If it is referred to the Planning Commission and the Planning Commission has a discussion, the Department does not anticipate needing to raise it to accommodate the R-40 at this point, because unlike other areas, you can go fifty (50) feet and an additional fifteen (15) to twenty (20) feet for a sloping roof. So the height limit for the Lihue area was raised seven (7) years ago, above and beyond what the rest of the island can do.

Council Chair Rapozo: Yes, I know that, but I do not want that to get higher, for me. That is why I want to know how many lots. If it is going to impact a few lots, three (3) lots, four (4) owners, that even have the available space to do this without having to go up, then have them go get the exemption or the variance or

whatever you call it. If this is going to allow people to build units that can create more inventory, then I think it is worth looking into. I just want to make sure that we are not creating a scenario where two (2), three (3), four (4) years from now...we need high-rises in Līhu'e, I do not want to see that happen. Thank you. Councilmember Brun.

Councilmember Brun: That was one of my discussions with Ka'āina, too, on this. By introducing this, I did not want to go over that fifty (50) feet. My first concern was if we go up to R-40, do we go higher and it is already a restriction on that and that was my main thing. I would not support going any higher, exactly what you were talking about, and that was my intention with this whole Bill. Doing this Bill...I guess we can talk about it during discussion.

Council Chair Rapozo: Do you have any more questions here?

Councilmember Yukimura: I think any information is helpful.

Councilmember Brun: Well, after going through to the Smart Growth Conference in the mainland, something that I fell in love with was the shops on the bottom and housing above, that dual purpose. Then we had these conversations with Ka'āina and we worked on this and this is what came up, but I really wanted that trip that we went on and even Councilmember Chock was there and we talked about it. I really looked at that and it is something that I thought we could do down here. This would help our whole Rice Street. Some of us have issues with that whole Transportation Investment Generating Economic Recovery (TIGER) grant, but it is there and it is going to happen, but how can we promote these businesses now, and I think this would help the businesses by putting more houses there and help them move forward and revitalize Rice Street that we are all talking about. Some of the main topics behind going with this and moving this forward and I am also concerned about the height, so I talked about it with Ka'āina and we are not going to go for anything higher than that fifty (50) feet or limit that we are at right now, because I would not support anything higher than that. That was my main concern. Thank you.

Council Chair Rapozo: You are basically doubling the density, so that is why it is kind of interesting when you talk about the Kapa'a development and how everybody is going nuts about the traffic. They are doing the calculations about, "Hey, this many more units is going to create this many more cars," but that argument applies wherever you have increases in density. So Rice Street now, we are taking the road from basically four (4) lanes to two (2), the turning lane or whatever you want to call it, and then we are going to start talking about...for me, it is very important that I find out how many eligible properties are there. What is the potential unit net increase we will see and where will those people park on Rice Street? What are we going to do about the traffic there? We are going to come back ten (10) years from now and say, "Now we have to go back to four (4) lanes on Rice Street. We went from four (4) to two (2) and now because we increased density on Rice Street, we doubled the population, we have to go back to four (4) lanes." I think we have to think about all of these things...how many units are we talking about? How many eligible properties are we talking about? What is the anticipated net

increase of units? I think that is going to be critical as we start talking about infrastructure needs of Rice Street as well. Councilmember Yukimura.

Councilmember Yukimura: I have the same concerns and my question was how are you going to handle parking and traffic?

Mr. Hull: Under the proposal, there are no attempts to reduce the parking requirement. So the project as proposed, any project, would still have to provide at a minimum of two (2) off-street parking stalls for each dwelling unit.

Councilmember Yukimura: Well, is that not going to be an obstacle? Parking structures are extremely expensive. What about the government's role in providing a Lihu'e shuttle that comes every ten (10) to fifteen (15) minutes?

Mr. Hull: That has not entered the discussion at this point. I can say that there are discussions about providing potential parking areas around Lihu'e that are going on right now, but there is nothing that...

Council Chair Rapozo: Where would that be, Ka'aina?

Mr. Hull: There was a parking study done a couple of years ago.

Council Chair Rapozo: Yes, but where would we, County, be able to put a parking structure?

Mr. Hull: Whether it would be on County land or vacant State land, there has not been any specific...

Council Chair Rapozo: Using today's scenario, where would we have? Where do we see...the State has just torn down the old police station, so that is a parking lot; aside from that, where?

Councilmember Yukimura: That is not Smart Growth.

Council Chair Rapozo: I am just saying, where is the available land that we could build a structure? You are talking about forty (40) units per acre; that is eighty (80) vehicles that you have to accommodate parking for. Where are those cars going to park? You cannot go up because you have the height limit. That is why I am saying that you are creating a dragon that is going to come back and say, "Oops, now we have to go up because now we have to allow for underground parking or structured parking." I think we all have to be real when we look at these numbers, because it looks good on paper, but how are we going to make it happen in a location that is a finite location...it is what it is...where do you create it? Are you going to go and condemn land to create parking? This is not the time to really have that discussion because we are going to have it in the Committee, but I think these are things that I am asking that Members think about, because you have to deal with

what comes with the development, which is the parking, the traffic, and all of that. Councilmember Yukimura.

Councilmember Yukimura: I think it is something that hopefully Planning will have thought about when you bring a proposal like this to us, because we cannot ignore it and it does not work without figuring out the traffic. Ka‘āina, I think you know from Smart Growth Conferences that transit is the answer. You cannot go the old parking lot...parking structures...it is thirty thousand dollars (\$30,000) a parking stall. If you want to start charging for parking, you can start doing that. Anyway, we will be expecting...it is going to the Planning Commission, so we will be expecting that when it comes from Planning that a lot of these issues have been thought through. I could buy it for the R-40 if you have a really good transit solution accompanying it. Also, the Chair’s question about how many lots would actually qualify is a very good question, but you can also have consolidation of lots, right? If you give incentives, like forty (40) units per acre, that could motivate consolidation of lots. We cannot limit our thinking to just the existing large lots right now.

Council Chair Rapozo: I think for me, you have to set the range, like what is the maximum buildout potential? With the way the lots are right now, what is the potential in increasing units, and then work backwards from that and how you are going to accommodate the traffic and the parking. We cannot ignore that. I am hoping that all the people against Kapa‘a is not going to come here at the Committee and say, “Hey, you cannot do that. We are going to have traffic.” Traffic is inevitable, but we need to know what that impact would be at full buildout or potential buildout. Councilmember Yukimura.

Councilmember Yukimura: Car traffic is not inevitable if we provide for other modes.

Council Chair Rapozo: Like helicopters? I am a proponent for helicopters and helipads on every building.

Councilmember Yukimura: Maybe drones? Kidding.

Council Chair Rapozo: Yes. Anything else? Councilmember Chock.

Councilmember Chock: When you think about the density that we are increasing to in terms of parking, what is the right ratio that we typically look at or see in construction?

Mr. Hull: Under the current zoning ordinance, it is required to have two (2) parking stalls per unit.

Councilmember Chock: Is that something that we can see decreased or does that work in other places to decrease those?

Mr. Hull: I will say that there are already some established parameters in the Līhu‘e Town Core plan for a reduced parking for elderly

housing, because not as many in the elderly housing units are going to have access or have vehicles in their ownership. There are ways to certainly adjust that. Also, in some of the discussions previously concerning the ARU, I think we can assume that in most cases and most scenarios, there is going to be at least two (2) vehicles per unit at the same time. As the discussion is unfolding today, that is always going to be a little bit of the rub, right? As we put more dwelling, indeed, that is going to impact the roads. The studies that we have done over the past few years have shown that we are going through a population growth, nominal, but a population growth nonetheless, and the majority of that population growth is coming internally, is coming from our own children. So we need to build more to accommodate those *keiki*. But we get a lot of pushback from the public and one of the biggest one is, "Make sure that we maintain our rural landscape and make sure that we maintain our open spaces, so do not develop more outward, no more suburban sprawl, but make more houses." We look at that, the only real answer to that then to maintain those rural areas and maintain the landscape that we have is to look into our town cores to further develop those areas. With that, inevitably, as the Chair mentioned, we are going to have some parking impacts and some on-street impacts.

Councilmember Chock: I guess when I am thinking about the expansion of the town core, what we are trying to encourage—are we trying to house families in our town core? Are we looking at small apartments? Those would define what kind of parking lots we have. That is where I am trying to get a handle on or get a sense of what it is we could visualize having that encouraged so that we could actually address...parking is a big issue and it will come up. We need to be able to at least provide an avenue of what we are expecting so that we can work with partners.

Mr. Hull: Yes, that point is well-taken, Councilmember Chock. I think at this point and in their discussions with Councilmember Brun, the introduction of this, as well as even to a certain degree the ARU discussion, is that there are certain design areas that some of us all envision we would like, but the reality of the situation is that nobody is building right now; whether it is a medium scale house, a large house, or a micro unit in Līhu'e, nobody is building right now. There are a lot of barriers to entry to that. I am not blaming the developers or the property owners, there are indeed barriers to entry and the cost of infrastructure and the cost of time of permitting. In looking at this and other lines we are throwing in the water is that there are some barriers to entry that are in the zoning code and what can we do from a Planning perspective to reduce those barriers and to hopefully stimulate folks into building units.

Councilmember Chock: The parking one is a big one, as we have seen, and I have read some of what was happening in other areas across the country, so it could really make a determination of doubling that infrastructure or not. Thank you.

Council Chair Rapozo:

Councilmember Yukimura.

Councilmember Yukimura:  
affordable units?

When you say no one is building, you mean

Mr. Hull: I was speaking somewhat hyperbole that there are some units going on, but nowhere near the amount of units that are necessary to keep up with our housing projections given our population growth.

Councilmember Yukimura: I was just in Po'ipū at Kiahuna Shopping Center.

Mr. Hull: I was referring to Līhu'e when I said that.

Councilmember Yukimura: Oh. No one is really building anything in Līhu'e?

Mr. Hull: There are some individual units going on, that is why I apologize as I was speaking in hyperbole when I said that. Indeed, there are some individual units going up, but you do not see any large-scale development projects entitled within the past year. Indeed, the Hanamā'ulu project is going up right now, but those received the permits over a decade ago. We are not seeing any new projects coming in for entitlements.

Councilmember Yukimura: Well, there is one right beyond the Līhu'e Mill on the *mauka* side that is permitted also and they are not building.

Mr. Hull: Yes.

Council Chair Rapozo: That is exactly what he said.

Councilmember Yukimura: But it is not because of a lack of R-40.

Mr. Hull: No and I was just saying that there are a lot barriers to entry. We have one here that we see that is a possibility of reducing.

Council Chair Rapozo: Any more questions for Ka'āina? I want to bring it back home and kind of want to get out of here before the caption break. We can do the Executive Session during the caption break. Any more questions? If not, thank you very much.

Mr. Hull: Thank you, Council.

Council Chair Rapozo: I will call the meeting back to order.  
Councilmember Kaneshiro.

There being no objections, the meeting was called back to order, and proceeded as follows:

Councilmember Kaneshiro: For me, I would just like to say that I saw the need for this increased density also. There was a property near Hamura Saimin, about five thousand (5,000) square feet that was for sale, a commercial property, and I thought, "This would be the perfect property to do a mixed-use commercial on the bottom and residential on the top," and when I looked at it, I think it was Commercial

and R-4 or something, five thousand (5,000) square feet—that means you can only put one (1) unit, so then you are thinking, “Okay, keep the bottom as commercial, but you have to add a story and you can only put one (1) unit—it does not really make sense.” Then you start thinking, “What makes sense?” If you are looking at R-40, you could put four (4) units on the top, which if you look at it and somebody says, “What is the opportunity for this building,” you could probably reasonably say three (3) stories or two (2) stories of residential, maybe one thousand (1,000) square foot units on each story, you would get eight (8) housing units and a commercial on the bottom and you think, “It would kind of blend in over there and it would fit, you are providing for housing and you are providing for commercial.” But based on our current laws, it was like “Who is going to want to take that opportunity?” There is not really any incentive to take an opportunity to try and do this Smart Growth development mixed-use when our zoning kind of restricts it so much that, “I am going to buy this property and then I have to spend all of this money to only put one (1) unit at the top,” and it kind of loses steam. I think this is a good step, knowing that we are going to get into issues of parking, but I think it definitely is a good step. I was looking at that and getting all excited thinking, “We want to redevelop this whole area and maybe I might want to do this,” and then I am like, “This does not make sense.” You start running the numbers, how much you can get for commercial, what it would cost to add a unit, what kind of rent, and the numbers end up in the red and it makes no sense. Again, Ka‘āina mentioned that there are many barriers to doing something like that, but I think this helps cushion one (1) barrier, as far as making it a little more feasible for someone to say, “Yes, the opportunity to do additional housing units on the top of a commercial unit is there,” but with the current law we have, I do not think anybody is motivated to do any type of mixed-use with the type of zoning we have now. I think it is promising knowing that there are other things that we are going to have to resolve as we go along. Thank you.

Council Chair Rapozo: Again, being the “Devil’s Advocate” that four (4) units would require eight (8) parking stalls, where would that be? You would almost have to lift that structure up so that you can provide eight (8) and is that even enough space? But would you not love to live above Hamura Saimin and just walk downstairs to grab your special? Anyone else? Councilmember Yukimura.

Councilmember Yukimura: I want to thank Councilmember Brun for introducing this, but I do not agree with just doing it and saying, “Well, we are going to figure out the parking problems later.” I do not think the solution is in more parking stalls, because the cost of construction of parking stalls that are underneath or elevated will offset any advantage you have for having more units. The real solution is a community solution of transit. At the Smart Growth Conference, they tell us that all the time. That is the combination, compact growth, but you cannot do it with a single-occupant vehicle; you have to do it with transit. That is why the Short-Range Transit Plan and a Līhu‘e shuttle is really critical to this kind of economic development of Līhu‘e.

Council Chair Rapozo: Ka‘āina talked about the internal growth. Yes, we blame the mainland people for moving here, but at the end of the day, our families are having children. I remember Councilmember Kagawa saying, “What are we going to tell our kids? To not have kids?” No, we cannot do that. Our families



will grow and we have to find housing for our families. Before we find housing for people from California, Idaho, Iowa, and Minnesota, we need to take care of our families. When we go down this road, are we going to allow developers to have forty (40) units per acre? There has to be a provision or something in there that will really require them to address our internal growth and our families first. I can see investors coming here and either buying or leasing these units and turning it for profit and that just causes more problems and creates more people here, transient growth and newcomers that obviously take away resources that our internal growth supposed to be able to stay here. We have to very careful again that we are being reactive to a very bad situation, a crisis, in housing, but we have to make sure that the solutions that we design are going to be there for the intentions that we have, which is taking care of our local families. Again, I look for a spirited debate as we move forward. Councilmember Yukimura.

Councilmember Yukimura: Chair, I concur with what you just said and that is why I think we cannot just say "supply, supply" and not address the issue of affordability. I do not think that any of us have objections to developers turning a profit, as long as they have contributed to providing affordable units to our families. But to just provide houses is not going to work and even though internal growth might be a greater proportion than the incoming growth, if there are not affordable units, the outflow of local people to live elsewhere is really offsetting the internal growth. If they cannot stay here, then it is the incoming growth that we are providing for, not those who grew up here. So affordability is key in how we provide housing.

Council Chair Rapozo: Thank you. Did I take public testimony on this? Okay, I did not, I am sorry. I will suspend the rules.

There being no objections, the rules were suspended.

Mr. Mickens: For the record, Glenn Mickens. Thank you, Chair. Are we still putting the cart before the horse? Yes, we need housing for people; there is no doubt about that. Nobody would deny that. But what got us into this mess because we did not put the infrastructure in place first before we go after it. We do not address the traffic problem. We have to do something about it. As Joe Rosa sat here and said that we have had one (1) road going around this island for forty (40) or fifty (50) years, but that is what created the problem. We are talking about having R-40 or having more dwellings building up in these areas. Yes, we can keep on talking about it, but where are the people in cars going to go that are going into these places? We have to address the infrastructure first. We cannot just keep on saying, "Build, build." Whether it is Līhu'e where you are going to have this sixteen million dollar (\$16,000,000) project and reinvigorate this area. I do not think it is going to be reinvigorated. People have gone to these shopping centers now...the "Big Box" stores where they want to go. They are going to come back to Līhu'e, so I do not know what that sixteen million dollars (\$16,000,000) is going to go for. All I am saying is that we have to put the infrastructure in place first, not in this small one (1), two (2) house building out at places, but for any huge developments that are going to go on. Like you are talking about for going up now, and certainly, like you said, Chair, we cannot go past the house. You do not want big structures on this island, that is not going to do it. But these places, people are going to have to build. You are going to have to

have it, but you are still going to have to put the infrastructure in place before it happens. Do not put it in place and then say, "We should have done it," and what we should have done was listen to wiser people years ago that want to build that power line road, for crying out loud...build all in a place that Joe keeps on talking about. Anyway, these are my thoughts. I think it has to be done before it happens. That is all. Thank you.

Council Chair Rapozo: Thank you. Mr. Taylor.

Mr. Taylor: Chair and Members of the Council, Ken Taylor. You folks are getting ready to spend millions of dollars trying to revitalize Rice Street, but the only way it is going to happen is that if you increase tremendously the population in the area, something to the magnitude of ten thousand (10,000) to fifteen thousand (15,000) people. That is what it is going to take. We talk about keeping the areas similar to what they are today, but that is not going to work. You are going to have to increase the zoning to thirty (30) to forty (40) units per acre and you are going to have to build up to four (4) stories. In this whole area, not just along Rice Street, it is not going to work. I heard earlier on a previous...I think putting a second unit on every property is going to solve a problem. Show me someplace in America that that has solved a problem. You cannot show it to me. You need to develop and you need to make a decision, are we going to solve the housing problem and make it affordable? You make it a two-tier situation—you want forty (40) units per acre? A certain percentage has to be affordable. Up to thirty (30) units per acre, market rate, but if you wanted that extra forty (40) units, you go affordable housing. That is how you are going to solve the problem. Play in this game, first of all, if you go in here in this neighborhood, you see most of those units over here on these three (3) or four (4) streets that go over to Walmart already have a second unit in there. If I put a two hundred fifty (250) to three hundred (300) square foot bedroom and bathroom on my house, I can rent it out for eight hundred fifty dollars (\$850) a month. All I have to do is install a microwave, a toaster oven, and electric fry pan. I do not need a kitchen. Those are the kind of problems that we are facing in illegal units, but the rent is available. I have a neighbor that has her house divided into four (4) units. Every one of them is rented out, it is a single-family neighborhood. It is not right, but that is what the County allows to happen. You are going to have to bite the bullet and go to higher zoning. Thank you.

Councilmember Yukimura: I have a question.

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: Ken, do you support this Bill?

Mr. Taylor: I am sorry.

Councilmember Yukimura: Do you support this increase to R-40?

Mr. Taylor: I do. We have to remember that right now we are providing free housing for cars and expensive housing for people. That does not work.

Council Chair Rapozo: Okay. I think you answered the question.

Councilmember Yukimura: Thank you.

Council Chair Rapozo: Anyone else? Mr. Hart.

Mr. Hart: For the record, Bruce Hart. I was really edified by the discussion. So I think you are all aware of the problems, even the problems that Mr. Taylor has just presented. The problem with housing is serious. How many times have we sat here and heard different departments saying three (3), four (4), five (5) families living in one (1) single-family residence? It is uplifting whole neighborhoods and changing the very character of them. I think you are all aware of that. We are all aware of that. I am going to say something that is kind of like, "Whoa, Bruce." But for decades, we have taken the position that we cannot have any more urban sprawl. We have built a wall and we have just taken this hardline position that we are not going to do it. I think that we are actually a little bit fearful; we are concerned that if we open the door, we are going to have this "Maui," and that is no disrespect to Maui, but I think that we can do it without the floodgates opening if we just hold our ground. I think that we need to seriously consider opening up some areas, taking away some of the barriers, and allowing more housing. Whatever implementations that you can put in to see that the local people are able to afford, do it. I do not agree that we should discontinue to increase density. That is the position that I have taken. I do not want to see development any more than anybody else. Like Councilmember Brun said...all of you...I am concerned about the families that live here. Where are they going to live? I am concerned with the neighborhoods that are being impacted by this three (3), four (4) families living in homes. We are going to have to do something. Again, I do not like having to say this, but I think we are going to have to have more housing development. Thank you.

Council Chair Rapozo: Thank you. Anyone else? Seeing none, I will call the meeting back to order. I think we have discussed this to death. The motion is to refer this to the Planning Commission. Can I get a roll call, please?

There being no further testimony, the meeting was called back to order, and proceeded as follows:

The motion to refer Proposed Draft Bill (No. 2687) to the Planning Commission was then put, and carried by the following vote:

FOR REFERRAL:	Brun, Chock, Kagawa, Kaneshiro,	
	Yukimura, Rapozo	TOTAL – 6,
AGAINST REFERRAL:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	Kawakami	TOTAL – 1.

Council Chair Rapozo: Thank you. Can we get Councilmember Kawakami back in the meeting so that we can wrap this last item up? Can you read the next item?

BILL FOR SECOND READING:

Bill No. 2677, Draft 1 – A BILL FOR AN ORDINANCE APPROVING A COLLECTIVE BARGAINING AGREEMENT FOR BARGAINING UNIT 12 BETWEEN JULY 1, 2017 AND JUNE 30, 2021: Councilmember Kaneshiro moved to approve Bill No. 2677, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval, seconded by Councilmember Brun.

Council Chair Rapozo: Any discussion or public testimony?  
Councilmember Kagawa.

Councilmember Kagawa: I want to congratulate the State of Hawai'i Organization of Police Officers (SHOPO) for the decisions that they come up with. I am going to be supporting it. I will say that if you watch the news, these are scary times. In O'ahu recently, you have these killings of a north shore resident. Then you have the killing in Waikiki. These are new residents from the mainland that are bringing some nasty violence to Honolulu and we are not far from Honolulu. We need good policemen that can make sure that when, and if it comes, that we are ready. Scary times. Congratulations to SHOPO on their award and I encourage them to fill those vacancies and make sure that we continue to keep our island safe. Thank you.

Council Chair Rapozo: Thank you. Anyone else? Councilmember Yukimura.

Councilmember Yukimura: Are we going to have public testimony?

Council Chair Rapozo: I do not know if anyone is here and willing to testify. Did we have any registered speakers? If anyone has a burning desire to testify, then they can. If so, we are going to have to take a caption break. I was hoping to get rid of this, and then we can go into Executive Session during the caption break, come back, and take care of that last item. Is Councilmember Kawakami around? Did someone tell him? I want to make sure that he is part of the rest of the meeting.

*(Councilmember Kawakami was noted as present.)*

Councilmember Yukimura: I have something to say.

Council Chair Rapozo: Go ahead.

Councilmember Yukimura: I have already spoken in the Committee explaining why I will be voting against this Bill, but I want to just summarize here that I recognize the extraordinary work of the police that does deserve a premium. I do believe that there is a premium already in the existing pay, and as we saw, the beginning police officer, after a year's probation, makes close to eighty thousand dollars (\$80,000) in annual compensation if you take salary, standard of conduct, and other overtime that is normally received. We must think about other community needs, as well as other workers. As we showed on the attachment to the Bill—if I could have that on the overhead—if you look at the line total, it is showing that after

four (4) years, there is three million dollars (\$3,000,000) added to the County's budget. Over the four (4) years, we are paying seven million dollars (\$7,000,000), and as I pointed out and as we have just discussed, the need for affordable housing, the need for maintaining parks, the need to solve our homeless problem—there are so many other needs that we have to also think about and I know that recruitment has been an issue. Indeed that with the three million dollars (\$3,000,000), we could pay for another police beat. I know that the Chief has made a big appeal for that, but we are not able to fill the existing positions, so not being able to do that, another beat at this point does not make sense. I want to read from the arbitration decision what the panel said about recruiting police officers, there has been an argument that we need to increase pay in order to have better recruitment, and I am quoting here: "While the panel recognizes the staffing problems raised by the union, increasing the base salary for entry-level positions does not appear to be a viable solution to resolve the recruitment problem in as much as the number of applications for those entry positions between 2012 and 2017 appear to have remained relatively stable." I suggested in committee that perhaps we should look at providing some housing, rather than increase in salary, housing at an affordable level. While I deeply respect our officers, I feel that we have other responsibilities as well. I also talked about the increasing inequity between Police and Fire and other County and State workers. There should be some discrepancy because of the extraordinary work that is done, but when that discrepancy gets too big, it becomes very inequitable. For those reasons, I must vote against these raises.

Council Chair Rapozo: Thank you. Anyone else? If not, roll call.

The motion to approve Bill No. 2677, Draft 1, on second and final reading, and that it be transmitted to the Mayor for his approval was then put, and carried by the following vote:

FOR APPROVAL:	Brun, Chock, Kagawa, Kaneshiro,	
	Kawakami, Rapozo	TOTAL – 6,
AGAINST APPROVAL:	Yukimura	TOTAL – 1,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: Motion passes. With that, can you read us into Executive Session?

#### EXECUTIVE SESSION:

ES-938 Pursuant to Hawai'i Revised Statutes (HRS) Sections 92-4, 92-5(a)(4), and Kaua'i County Charter Section 3.07(E), the Office of the County Attorney requests an Executive Session with the Council to provide the Council with a briefing on the Mediation of: Michael S. Kocher, Sr., individually and on behalf of the Estate of Michael S. Kocher, Jr.; Patricia Kocher and County of Kaua'i; Irvin Magayanes, Mediation No. 15-0482-M, and related matters. This briefing and consultation involves consideration of the powers, duties, privileges, immunities, and/or liabilities of the Council and the County as they relate to this agenda item.

Councilmember Kagawa moved to convene in Executive Session for ES-938, seconded by Councilmember Kaneshiro.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

Council Chair Rapozo: Seeing none, roll call.

The motion to convene in Executive Session for ES-938 was then put, and carried by the following vote:

FOR EXECUTIVE SESSION:	Brun, Chock, Kagawa, Kaneshiro, Kawakami, Yukimura, Rapozo	TOTAL – 7,
AGAINST EXECUTIVE SESSION:	None	TOTAL – 0,
EXCUSED & NOT VOTING:	None	TOTAL – 0,
RECUSED & NOT VOTING:	None	TOTAL – 0.

Council Chair Rapozo: We are now going to take our caption break and then go into Executive Session. It should not be more than ten (10) minutes. We will come back out and finish up with C 2018-26. Also, for those of you watching, tomorrow's Special Planning Committee Meeting will be here at 8:30 a.m. Caption break, ten (10) minutes.

There being no objections, the meeting recessed at 10:41 a.m.

The meeting reconvened at 11:01 a.m., and proceeded as follows:

Council Chair Rapozo: We are back. Can you read C 2018-26?

There being no objections, C 2018-26 was taken out of order.

C 2018-26 Communication (01/12/2018) from the County Attorney, requesting Council authorization to expend additional funds up to \$100,000.00 in funds from the Claims and Judgments account in relation to the Mediation of: Michael S. Kocher, Sr., individually and on behalf of the Estate of Michael S. Kocher, Jr.; Patricia Kocher and the County of Kaua'i; Irvin Magayanes, Mediation No. 15-0482-M, and related matters: Councilmember Kaneshiro moved to approve C 2018-26, seconded by Councilmember Brun.

Council Chair Rapozo: Any discussion or public testimony?

There being no objections, the rules were suspended to take public testimony.

There being no one present to provide testimony, the meeting was called back to order, and proceeded as follows:

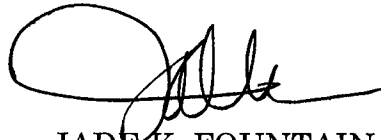
The motion to approve C 2018-26 was then put, and carried by a vote of 4:0:3 (*Councilmember Chock, Councilmember Kagawa, and Councilmember Yukimura were excused*).

Council Chair Rapozo: Motion carried. With that, this meeting is adjourned. We have a public hearing at 1:30 p.m. Thank you.

ADJOURNMENT:

There being no further business, the Council Meeting adjourned at 11:01 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Jade K. Fountain-Tanigawa', with a large, stylized initial 'J'.

JADE K. FOUNTAIN-TANIGAWA  
County Clerk

:ct

